

ORIGINAL



0000068542

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Mike Gleason, Chairman
William A. Mundell
Jeff Hatch-Miller
Kristin K. Mayes
Gary Pierce

2007 DEC -6 A 10:03

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION
OF NORTHERN ARIZONA ENERGY, LLC IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360.03 AND 40-360.06, FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF A 175 MW NATURAL
GAS-FIRED, SIMPLE CYCLE GENERATING
FACILITY AND ASSOCIATED
TRANSMISSION LINE INTERCONNECTING
THE GENERATING FACILITY TO THE
ADJACENT WESTERN AREA POWER
ADMINISTRATION GRIFFITH
SWITCHYARD, ALL LOCATED IN MOHAVE
COUNTY, APPROXIMATELY 9 MILES
SOUTHWEST OF KINGMAN, ARIZONA.

DOCKET NO. L-00000FF-07-0134-00133

CASE NO. 133

**NOTICE OF FILING SAMPLE FORMS
OF ORDER**

Pursuant to A.R.S. § 40-360.07, the Commission has the authority to confirm, deny or modify a Certificate of Environmental Compatibility ("CEC") issued by the Siting Committee. The Commission's Legal Division hereby submits sample forms of order for the Commission's convenience when considering the Siting Committee's decision in the above-captioned matter. One sample order approves the Siting Committee's decision as it was issued by the Siting Committee. The second sample order is in a format for Commission modifications to the Siting Committee's decision. The third sample order is in a format denying the Siting Committee's decision.

RESPECTFULLY SUBMITTED this 5th day of December, 2007.

Arizona Corporation Commission

DOCKETED

DEC - 6 2007

DOCKETED BY

Christopher C. Kempley
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402

1 **Original and twenty-eight (28)**
2 **copies of the foregoing filed this**
3 **6 day of December, 2007 with:**

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 **Copies of the foregoing**
9 **mailed this 6 day of**
10 **December, 2007 to:**

11 Jay I. Moyes
12 Moyes Storey, Ltd.
13 1850 N. Central Avenue, Ste 1100
14 Phoenix, Arizona 85004

15 Kenneth C. Sundlof, Jr.
16 Jennings, Strouss & Salmon, PLC
17 The Collier Center, 11th Floor
18 201 East Washington Street
19 Phoenix, Arizona 85004-2385

20 Jack Ehrhardt
21 P.O. Box 179
22 Peach Springs, Arizona 86434

23
24
25
26
27
28
By R. Worio

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Mike Gleason, Chairman
4 William A. Mundell
5 Jeff Hatch-Miller
6 Kristin K. Mayes
7 Gary Pierce

8 IN THE MATTER OF THE APPLICATION
9 OF NORTHERN ARIZONA ENERGY, LLC IN
10 CONFORMANCE WITH THE
11 REQUIREMENTS OF ARIZONA REVISED
12 STATUTES §§ 40-360.03 AND 40-360.06, FOR
13 A CERTIFICATE OF ENVIRONMENTAL
14 COMPATIBILITY AUTHORIZING
15 CONSTRUCTION OF A 175 MW NATURAL
16 GAS-FIRED, SIMPLE CYCLE GENERATING
17 FACILITY AND ASSOCIATED
18 TRANSMISSION LINE INTERCONNECTING
19 THE GENERATING FACILITY TO THE
20 ADJACENT WESTERN AREA POWER
21 ADMINISTRATION GRIFFITH
22 SWITCHYARD, ALL LOCATED IN MOHAVE
23 COUNTY, APPROXIMATELY 9 MILES
24 SOUTHWEST OF KINGMAN, ARIZONA.

DOCKET NO. L- L-00000FF-07-0134-00133

CASE NO. 133

DECISION NO. _____

SAMPLE ORDER NO. 1

*(Sample Form of Order Granting CEC as
Issued by the Siting Committee)*

25 The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to
26 A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental
27 Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee
28 ("Committee") is hereby granted by this Order.

29 The Commission further finds and concludes that: (1) the Project is in the public interest
30 because it aids the state in meeting the need for an adequate, economical and reliable supply of
31 electric power; (2) in balancing the need for the Project with its effect on the environment and
32 ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its
33 impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the
34 Committee resolve matters concerning the need for the Project and its impact on the environment
35 and ecology of the state raised during the course of proceedings, and as such, serve as the findings on
36 the matters raised; and (4) in light of these conditions, the balancing in the broad public interest
37 results in favor of granting the CEC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive
Director of the Arizona Corporation Commission, have
hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capital, in the City of Phoenix,
this _____ day of _____ 2007.

BRIAN C. MCNEIL
Executive Director

DISSENT: _____

DISSENT: _____

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Mike Gleason, Chairman
William A. Mundell
Jeff Hatch-Miller
Kristin K. Mayes
Gary Pierce

IN THE MATTER OF THE APPLICATION
OF NORTHERN ARIZONA ENERGY, LLC IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360.03 AND 40-360.06, FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATABILITY AUTHORIZING
CONSTRUCTION OF A 175 MW NATURAL
GAS-FIRED, SIMPLE CYCLE GENERATING
FACILITY AND ASSOCIATED
TRANSMISSION LINE INTERCONNECTING
THE GENERATING FACILITY TO THE
ADJACENT WESTERN AREA POWER
ADMINISTRATION GRIFFITH
SWITCHYARD, ALL LOCATED IN MOHAVE
COUNTY, APPROXIMATELY 9 MILES
SOUTHWEST OF KINGMAN, ARIZONA.

DOCKET NO. L-00000FF-07-0134-00133

CASE NO. 133

DECISION NO. _____

SAMPLE ORDER NO. 2

***(Sample Form of Order Approving CEC
but Modifying CEC as Issued by the
Siting Committee by Adding/Changing
Conditions to the CEC)***

The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee ("Committee") is hereby granted as modified by this Order.

The Commission modifies the CEC to add (or delete) the following condition(s):

1 The Commission further finds and concludes that: (1) the Project is in the public interest
2 because it aids the state in meeting the need for an adequate, economical and reliable supply of
3 electric power; (2) in balancing the need for the Project with its effect on the environment and
4 ecology of the state, the conditions placed on the CEC by the Committee as modified by the
5 Commission effectively minimize its impact on the environment and ecology of the state; (3) the
6 conditions placed on the CEC by the Committee as modified by the Commission resolve matters
7 concerning the need for the Project and its impact on the environment and ecology of the state raised
8 during the course of proceedings, and as such, serve as the findings on the matters raised; and (4) in
9 light of these conditions, the balancing in the broad public interest results in favor of granting the
10 CEC as modified by the Commission.

11 ...

12 ..

13 ...

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28

1 **THE CEC ISSUED BY THE SITING COMMITTEE IS**
2 **INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY THE**
3 **COMMISSION BY ORDER OF THE**
4 **ARIZONA CORPORATION COMMISSION**

5
6
7 _____
8 CHAIRMAN

COMMISSIONER

9
10 _____
11 COMMISSIONER

COMMISSIONER

COMMISSIONER

12 IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive
13 Director of the Arizona Corporation Commission, have
14 hereunto, set my hand and caused the official seal of this
15 Commission to be affixed at the Capital, in the City of Phoenix,
16 this _____ day of _____ 2007.

17 _____
18 BRIAN C. MCNEIL
19 Executive Director

20
21 DISSENT: _____
22

23 DISSENT: _____
24
25
26
27
28

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Mike Gleason, Chairman
William A. Mundell
Jeff Hatch-Miller
Kristin K. Mayes
Gary Pierce

IN THE MATTER OF THE APPLICATION
OF NORTHERN ARIZONA ENERGY, LLC IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA REVISED
STATUTES §§ 40-360.03 AND 40-360.06, FOR
A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING
CONSTRUCTION OF A 175 MW NATURAL
GAS-FIRED, SIMPLE CYCLE GENERATING
FACILITY AND ASSOCIATED
TRANSMISSION LINE INTERCONNECTING
THE GENERATING FACILITY TO THE
ADJACENT WESTERN AREA POWER
ADMINISTRATION GRIFFITH
SWITCHYARD, ALL LOCATED IN
MOHAVE COUNTY, APPROXIMATELY 9
MILES SOUTHWEST OF KINGMAN,
ARIZONA.

CASE NO. 133

DOCKET NO. L-00000FF-07-0134-00133

DECISION NO. _____

SAMPLE ORDER NO. 3

***(Sample Form of Order Denying CEC as Issued
the Siting Committee)***

The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to A.R.S. § 40-360.07. Pursuant to A.R.S. § 40-360.07(B), the Commission, in compliance with A.R.S. § 40-360.06 and in balancing the broad public interest, the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of this state, finds that the above-captioned Application for a Certificate of Environmental Compatibility ("CEC") for siting approval is hereby denied.

The Commission further finds and concludes that in balancing the broad public interest under A.R.S. § 40-360.07(B) in this matter:

1. the evidence in the record is not sufficient to weigh the balancing of the public interest in favor of granting a CEC in this matter when all the factors set forth in A.R.S. § 40-360.06 are considered along with need for an adequate economical, and reliable supply of electric power;
2. the conditions placed upon CEC by the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee") are not sufficient to weigh the balancing of the public interest in favor of granting a CEC in this matter when all the factors set forth in A.R.S. § 40-360.06 are considered along with the need for an adequate, economical, and reliable supply of electric power;
3. the record compels balancing the competing public interests in favor of protection of the environment and ecology of the State of Arizona by denying Applicant a Certificate of Environmental Compatibility;
4. the CEC issued by the Siting Committee should not be confirmed and approved by the Commission; and
5. the Commission's findings 1 through 4 above serve as the Commission's findings of fact and conclusions of law in reaching its decision.

Therefore, the Commission further finds and concludes that the CEC issued by the Siting Committee is hereby denied by this Order; and, the above-captioned Application for a CEC is hereby denied by this Order.

...

...

...

1 **THE ABOVE CAPTIONED APPLICATION FOR A CEC IS DENIED, AND,**
2 **THE CEC ISSUED BY THE SITING COMMITTEE IS**
3 **INCORPORATED HEREIN AND IS DENIED BY ORDER OF THE**
4 **ARIZONA CORPORATION COMMISSION**
5
6
7
8

9 _____
CHAIRMAN

COMMISSIONER

10
11 _____
COMMISSIONER

COMMISSIONER

COMMISSIONER

12
13
14 IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive
15 Secretary of the Arizona Corporation Commission, have
16 hereunto, set my hand and caused the official seal of this
17 Commission to be affixed at the Capitol, in the City of Phoenix,
 this _____ day of _____ ,
 2007.

18
19 _____
20 BRIAN C. MCNEIL
21 Executive Secretary

22 DISSENT: _____

23
24 DISSENT: _____